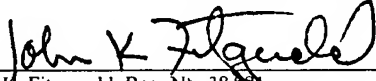


CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop RECONSTRUCTION, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 24, 2006.

  
John K. Fitzgerald, Reg. No. 38,881



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Karen Gottlieb-Myers and Dale Fetterleigh

Serial No. 09/991,393

Filed: November 20, 2001

For: IMPROVEMENTS IN POGO STICKS

Examiner: Matthew Fenn C.

Group Art Unit: 3764

Attorney-Docket No. SPFUN-58134

Date: May 24, 2006

Los Angeles, California

Confirmation No. 5400

REQUEST TO RECONSTRUCT FILE

Mail Stop RECONSTRUCTION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir or Madam:

Applicants transmit herewith a photocopy of Applicants' complete record of all communications between the USPTO and our office relating to the above-identified patent application. Applicants are not aware of any communication between the USPTO and our office that is not among Applicants' record.

On February 24, 2006, my assistant, Donna Colon, telephoned Examiner Mathew Fenn, to inquire when we could expect to receive an Office Action. However, Ms. Colon was

informed by Examiner Fenn that the patent file had been lost since April 30, 2005, and that he would submit an inquiry to find its whereabouts.

On April 7, 2006, Ms. Colon followed up with another telephone call to Examiner Fenn to find out the status of the missing file. Mr. Fenn indicated that he was still awaiting a response to his inquiries.

Mr. Fenn suggested that Ms. Colon contact Ms. Carolyn Brown, Lost File Coordinator. Ms. Colon telephoned and left a detailed message.

On May 9, 2006, Ms. Colon telephoned and spoke to Ms. Brown re the status of the missing file. Ms. Brown indicated that, although a response to Mr. Fenn's inquiries had not yet been received, she would send to Ms. Colon, via fax and regular mail, a Notice Under 37 CFR 1.251 – Pending Application, to be executed by an attorney, and requested that she return it with copies of all communications between the USPTO and the Fulwider Patton firm. Therefore, enclosed are copies of the following:

1. Non-Provisional Application filed November 20, 2001, including  
two (2) sheets drawing Figs. 1-4b, Declaration and Power of Attorney;  
Utility Patent Application Transmittal (PTO/SB/05), Fee Transmittal for FY 2002  
(PTO/SB-17); and Assignment and Recordation Form Cover Sheet (PTO-1595);
2. Returned postcard from USPTO with Serial No. and date stamp dated 11/20/01;
3. Filing Receipt dated 12/05/01;
4. Office Action dated 12/04/02;
5. Amendment in response to 12/04/02 Office Action, w/Petition for One  
Month Extension of Time and Letter to Chief Draftsman, including one (1) sheet  
drawing (Figs. 3, 4a-4b) dated 03/31/03;

6. Returned postcard with USPTO date stamp dated 04/07/03;
7. Notice of New or Revised Projected Publication Date dated 06/05/03;
8. Notice of New or Revised Projected Publication Date dated 01/29/2004;
9. Notice of New or Revised Projected Publication Date dated 08/19/2004; and
10. Notice of Publication of Application received 11/08/04

Please have the file for Patent No. 09/991,393 reconstructed and send one (1) certified copy of the File History to:

John K. Fitzgerald  
Fulwider Patton LLP  
Howard Hughes Center  
6060 Center Drive, 10th Floor  
Los Angeles, CA 90045

Should the Examiner need any further assistance with the reconstruction, please contact the undersigned.

Respectfully submitted,

FULWIDER PATTON LLP

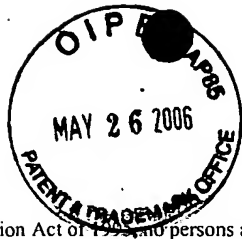
By: \_\_\_\_\_

  
John K. Fitzgerald  
Registration No. 38,881

JKF:dmc  
Enclosures

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696

Customer No. 24201



PTO-2053-B (Rev. 10/03)

Approved for use through 07/31/2006 OMB 0651-0031

U.S. patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

In re Application of: SPORT FUN, INC.

Application No.: 09/991,393

Filing Date: November 20, 2001

Title: IMPROVEMENTS IN POGO STICKS


Direct to: Mail Stop RECONSTRUCTION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

### NOTICE UNDER 37 CFR 1.251 – Pending Application

Statement (check the appropriate box):

- ☒ The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the office and applicant for the above-identified application that is not among applicant's records.
- ☐ The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).
- ☐ The papers produced by applicant are applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.
- ☐ Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

Date: May 22, 2006

  
Signature

John K. Fitzgerald, Reg. No. 38,881  
Typed or printed name

**A copy of this notice should be returned with the reply.**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop – Reconstruction, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.



PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	09/991,393
Filing Date	November 20, 2001
First Named Inventor	Karen Gottlieb-Myers, et al.
Art Unit	3764
Examiner Name	Matthew Fenn C.
Attorney Docket Number	SPFUN-58134

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): POSTCARD; REQUEST TO RECONSTRUCT FILE
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	FULWIDER PATTON LLP		
Signature			
Printed name	JOHN K. FITZGERALD		
Date	May 24, 2006	Reg. No.	38,881

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	JOHN K. FITZGERALD	Date	May 24, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.